

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN**

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IN RE:     KEITH J. BRUNNER  
             LISA M. BRUNNER

Case No. 14-20297 MDM  
Chapter 12

Debtors.

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**TRUSTEE'S OBJECTION TO CHAPTER 12 PLAN OF  
REORGANIZATION DATED MAY 21, 2014**

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NOW COMES Mary B. Grossman, Chapter 12 Trustee in the above case, who objects to confirmation of Debtors' proposed Chapter 12 Plan of Reorganization Dated May 21, 2014 and states as grounds for such objection as follows:

1. Debtors own plan of reorganization shows that they are not dedicating all of their disposable income to repayment of their debts as required by 11 U.S.C. § 1225(b)(1). Debtors propose to pay unsecured creditors just \$33,167, although Debtors' financial projections attached to their plan of reorganization as Exhibit B show that they anticipate at least \$190,075.00 of additional disposable income from farm operations after allowing for their secured and unsecured debt payments as proposed in their plan, for an equipment replacement reserve and for an owner's draw, presumably for living expenses. Accordingly, the amount to be paid to unsecured creditors should be increased from \$33,167 to \$223,242.
2. The plan does not provide for payment of all unsecured claims entitled to priority under Sec. 507 as required by 11 U.S.C. § 1222(a)(2). While the claims register for this case does not currently list any such claims and Debtors might not anticipate any, the governmental claims bar in this case is July 30, 2014, a date by which the Court may have confirmed a Chapter 12 Plan of Reorganization.

Mary B. Grossman  
Chapter 12 Trustee  
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3. Article 4.1 provides for payment of Class 1-A administrative claims first from retainers and then through business operations as available but does not indicate whether the payments to Class 1-A creditors from business operations should be made directly by debtors or through the Chapter 12 Trustee.
4. Article 5.2 gives Debtors a more expansive discharge upon completion of their Chapter 12 Plan of Reorganization than allowed by law. It gives them a discharge under Sec. 727 and Sec. 1228 even though they would be entitled to a discharge under only Sec. 1228. It further provides that no debts would be excepted from discharge under Sec. 523 even though by operation of such section certain debts, such as student loan debts and debts owed to creditors who did not receive notice of the bankruptcy in time to file a claim, are not discharged.
5. Article 5.3, after (h), states that the "jurisdiction of this Court shall end four years after the first plan payments in May 2014, or after all installments described in this Plan are made to unsecured creditors . . ." This statement ignores the requirement of 11 U.S.C. § 1225(b)(1) that debtors contribute all disposable income for at least three years to their Chapter 12 plan and would allow Debtors to complete their Chapter 12 plan upon the payment of the proposed \$33,167 to unsecured creditors regardless of the time for such payment.

WHEREFORE, for the reasons stated above, the Chapter 12 Trustee respectfully requests that this Court deny confirmation of Debtors' Chapter 12 Plan of Reorganization Dated May 21, 2014, without prejudice to amend such plan as required for the above reasons.

\_\_\_\_\_/s/\_\_\_\_\_  
Mary B. Grossman  
Chapter 12 Trustee

UNITED STATES BANKRUPTCY COURT  
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**CERTIFICATE OF SERVICE**

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I hereby certify that on the 17<sup>th</sup> day of June, 2014, **TRUSTEE'S OBJECTION TO CHAPTER 12 PLAN OF REORGANIZATION DATED MAY 21, 2014** in this case was electronically filed with the Clerk of Court and served upon the following parties using the ECF system:

Steinhilber, Swanson, Mares et al

U.S. Trustee

I further certify that I have mailed, via the United States Postal Service, the same document to the following non-ECF participants:

Keith J. Brunner  
Lisa M. Brunner  
5253 Larsenville Road  
Denmark WI 54208

Dated: June 17, 2014

/s/ \_\_\_\_\_  
Kathleen A. Johnson  
Analyst  
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